

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE-OPELOUSAS DIVISION**

BENNETT CHOATE

JUDGE:

VERSUS

CIVIL ACTION #:

CITY OF ABBEVILLE

MAGISTRATE:

COMPLAINT

The complaint of **BENNETT CHOATE**, a person of the full age of majority and a domiciliary of Iberia Parish, Louisiana, with respect represents:

1.

Made a defendant to this lawsuit is the **CITY OF ABBEVILLE**, a body politic organized and operating under the charter and laws of the State of Louisiana; which defendant is liable unto petitioners for the full amount of his damages together with legal interest from the date of judicial demand until paid and for all costs of these proceedings for the following reasons:

2.

This action is brought pursuant to 42 U.S.C. SS 1983 and 1988 and the Fourth and Fourteenth Amendments to the United States Constitution.

3.

Jurisdiction of this Court is founded upon 28 U.S.C. SS 1331 and 1343 (a) (3).

4.

Plaintiff further invokes the pendant jurisdiction of this Court to consider related state claims arising under state statutory and common law and the Constitution of the State of Louisiana.

5.

At all times relevant to this lawsuit defendant, the **CITY OF ABBEVILLE** operated a municipal law enforcement department with an elected Chief of Policy and various police officers.

6.

At all times relevant to this lawsuit the individual police officers involved in this matter were police officers hired by defendant, the **CITY OF ABBEVILLE** who were at all times acting within the course and scope of their employment.

7.

On or about October 3, 2015, plaintiff was a patron at a local nightspot known as Culleppers Saloon in the City of Abbeville.

8.

Plaintiff was minding his own business when suddenly a fight broke out between (2) two women.

9.

Plaintiff who was with his brother walked out onto the porch of the building to see what was going on.

10.

Suddenly a police officer for the **CITY OF ABBEVILLE** came up to him and placed him under arrest for resisting an officer and resisting an officer with force.

11.

The arrest was without probable cause as Plaintiff had done nothing but watch the women fighting from a safe distance from the women and such arrest is a violation of Plaintiff's United States Constitutional rights guaranteed him by the Fourth and Fourteenth Amendments to be free from unlawful search and seizure and the right to due process of law.

12.

After the arresting officer placed handcuffs on Plaintiff's wrists which were situated behind his back he proceeded to push Plaintiff forward causing him to fall down the stairs seriously injuring his neck.

13.

The arresting officer is therefore guilty of committing a battery upon Plaintiff which caused him serious physical injuries for which Plaintiff is entitled to a judgment against the defendant, **CITY OF ABBEVILLE**.

14.

Plaintiff was then carried by several police officers with the **CITY OF ABBEVILLE** to a waiting patrol car in full view of all the patrons that were watching the events unfold causing him embarrassment and mental anguish for which he is due compensation from the **CITY OF ABBEVILLE**.

15.

Plaintiff was later booked by the City Police Department and placed in jail until he was able to bond out.

16.

Plaintiff's loss of freedom and confined to a jail cell caused him to suffer additional damages in violation of his Fourth and Fourteenth amendments protection.

17.

The conduct of the defendant and its employees was deliberate and rose to the level of callous indifference and was the proximate cause of the violation of Plaintiff's federally protected rights entitling him to an award of exemplary damages against the defendant in an amount to punish the defendant for its actions and to deter the defendant from engaging in such conduct in the future.

18.

Because of the denial of his basic civil rights, Plaintiff is compelled to retain an attorney to prosecute this action and to insure that the aforesaid conduct of the defendant does not continue. Plaintiff is, at the discretion of this Court, entitled to reasonable attorney's fees from the defendant in the amount of not less than \$50,000.00.

19.

Plaintiff further demands a trial by a jury on all issues involved herein that are triable by a jury.

20.

The actions complained of herein amount to outrageous conduct and arbitrary abusive governmental power.

WHEREFORE, premises considered, plaintiff prays that the defendant be cited and served through its Chief Executive Officer, The City Mayor, to appear and answer this complaint and that after the lapse of judicial delays and due proceedings had their be judgment in favor of Plaintiff and against the Defendant for all the damages to which he is entitled by law, including exemplary damages, together with costs of court, interest as allowed by law, attorney's fees in the amount of not less than \$50,0000.00, and any and all further relief or equitable, to which Plaintiff may be entitled.

Plaintiff further prays for a trial by jury.

ANTHONY J. FONTANA, JR.
(A PROFESSIONAL LAW CORPORATION)

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